

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE	Case No. 08-13555 (JMP)
LEHMAN BROTHERS HOLDINGS, INC., et. al.	Chapter 11
Debtor.	

AFFIDAVIT IN SUPPORT OF RESISTANCE AND RESPONSE  
TO DEBTORS' 173<sup>rd</sup> OMNIBUS OBJECTION TO CLAIMS

STATE OF IOWA )  
                    )  
                    ) SS.  
COUNTY OF SCOTT )

I, Charles L. Kuykendall, being first on oath duly sworn depose and state as follows:

1. I am the claimant in claim No. 5487 (No. 148 in Exhibit A to Objection on Page 17 of 34).
2. That I submitted my claim in response to a notice and solicitation for the filing of claims by Lehman Brothers Holdings, Inc. ("LBHI").
3. Attached to my claim was the account statements provided to me by Citigroup Global Markets, Inc. and which include a reference to Lehman Brothers Inc., but did not include such a reference until after the initiation of insolvency proceedings in 2008 to the best of my recollection since I have not retained statements that old in my records.
4. The claim was timely filed on July 16, 2009.
5. I filed my claim myself, without the assistance of counsel.
6. I was an employee at E. F. Hutton and during 1988-1989 entered into a deferred compensation agreement with my employer.
7. I have reviewed the documents submitted by LBHI as exhibit B to the 173<sup>rd</sup> Objection to Claims and do not have copies of these documents in my records, these agreements are dated after

I entered into the deferred compensation agreement and I have no recollection of having received notice of any change in terms or amendment of the agreement.

8. The references contained in Exhibit B to Smith Barney employees would have included me, since I was not a Lehman broker in 1993, the purported amendment date of these agreements.

9. I was never provided with information to indicate that any employment related account, interest or funds accumulated on my behalf by or through my employment was not transferred to Smith Barney in connection with my employment by that entity and I did not consent to any investment in LBHI, LBI or any Lehman entity.

10. Smith Barney became a part of Citigroup and all statements I received pertaining to my deferred compensation agreement were received from Citigroup.

11. When Citigroup became my employer it is now clear that not all of the deferred compensation account was transferred to them, but Citigroup became responsible for earnings on the account.

12. Since this change I have received statements from Citigroup similar to those attached to the claim which show the portion of the deferred compensation which was still with Lehman Brothers Inc. and the portion held by Citigroup.

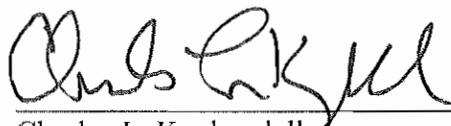
13. Information in the statements attached to my claim show the amounts of "frozen principal" and "frozen interest" in my account or accounts, but this term is not defined in any of the documents attached as Exhibit B to the objection to claim and I was never informed until the commencement of this case as to the existence of these frozen funds held by an entity other than Smith Barney or Citigroup.

14. I no longer have copies of the deferred compensation agreement documents but have requested that Citigroup provide me with documents pertaining to this deferred compensation

account and any applicable terms and conditions which may have applied to the portion that continued to be held by Lehman following the acquisition of Smith Barney by Citigroup.

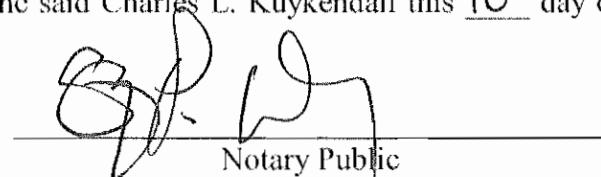
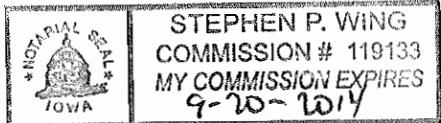
15. Since my requests for more information have gone unanswered, I am unable at this time to provide further documentation to directly support my claim and the assistance of the court in obtaining this information so that I may fully validate my client is needed.

16. I therefore request that the objection to my claim, claim #5487 be denied.



Charles L. Kuykendall  
6573 Eagle Ridge Drive  
Bettendorf, Iowa 52722  
563-332-4704  
[lddkuyk@aol.com](mailto:lddkuyk@aol.com)

Subscribed and sworn to before me by the said Charles L. Kuykendall this 18<sup>th</sup> day of  
September, 2011.



Notary Public